

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC WORKS - AIRPORT; DPW AND PARKS, RECREATION & RAILROAD

DATE: MARCH 1, 2011

COMMITTEE MEMBERS PRESENT:

SUPERVISORS BELDEN
BENTLEY
MERLINO
CHAMPAGNE
MONROE
MCCOY
CONOVER
WOOD
TAYLOR

OTHERS PRESENT:

JEFFERY TENNYSON, SUPERINTENDENT OF PUBLIC WORKS
PAUL BUTLER, DIRECTOR, PARKS, RECREATION & RAILROAD
DANIEL G. STEC, CHAIRMAN OF THE BOARD
JOAN SADY, CLERK OF THE BOARD
PATRICIA NENNINGER, SECOND ASSISTANT COUNTY ATTORNEY
JOANN MCKINSTRY, ASSISTANT TO THE COUNTY ADMINISTRATOR
KEVIN GERAGHTY, BUDGET OFFICER
SUPERVISORS GIRARD
LOEB
STRAINER
THOMAS
JULIE PACYNA, PURCHASING AGENT
CHRIS HATIN, TOWN OF QUEENSBURY RESIDENT
DON LEHMAN, THE POST STAR
AMANDA ALLEN, SR. LEGISLATIVE OFFICE SPECIALIST

Mr. Belden called the meeting of the Public Works Committee to order at 9:30 a.m.

Motion was made by Mr. Bentley, seconded by Mr. McCoy and carried unanimously to approve the minutes from the prior Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Jeffery Tennyson, Superintendent of Public Works, who announced that he would be presenting the Airport agenda in the absence of Don DeGraw, Airport Manager. The Airport agenda was distributed to the Committee members, a copy of which is also on file with the minutes.

Mr. Tennyson apprised that Agenda Item 1 consisted of a request to authorize in-State travel for two Airport employees to attend the AAAE (American Association of Airport Executives) Basic Airport Safety and Operations Specialist School in Buffalo, NY on April 15 - 18, 2011. He noted that Brian Gereau, and another employee to be determined, had been selected to participate in the mandatory training set forth in the FAA (Federal Aviation Administration) approved Airport Certification Manual. Mr. Belden questioned whether the funding was available within the existing Budget to support the travel costs and Mr. Tennyson replied affirmatively.

Motion was made by Mr. McCoy, seconded by Mr. Conover and carried unanimously to approve the request for in-State travel as previously noted. *A copy of the Authorization to Attend Meeting or Convention form is on file with the minutes.*

Continuing to Agenda Item 2, Mr. Tennyson presented a request to authorize in-State travel for Brian Gereau and Derrick Blackmer to attend FAR Part 139 Annual Live Fire Training in Rochester, NY on April 11 - 13, 2011. He advised that this was also mandatory Airport Rescue and Firefighting (ARFF) training as set forth in the Airport Certification Manual. Mr. Belden asked if this course would include training for the new fire truck being purchased for the Airport and Mr. Tennyson replied in the negative, noting that the educational facility would provide all necessary equipment and training support at their location.

Motion was made by Mr. Champagne, seconded by Mrs. Wood and carried unanimously to approve the aforementioned travel request. *A copy of the Authorization to Attend Meeting or Convention form is on file with the minutes.*

Mr. Tennyson apprised that Agenda Item 3 referred to a proposal submitted by Chris Hatin and Bruce Mowery to construct a commercial use aircraft hangar building with office space at the Airport. He noted that expansion of this nature was part of the Airport's Master Plan and had been encouraged through an extension of the existing taxiways. Mr. Tennyson said he had discussed the proposal with Mr. DeGraw, and although the agenda included a request to enter into a real property lease with Messrs. Hatin and Mowery, there were a number of details to be determined, such as the exact placement of the hangar and the activities to be conducted therein, as well as legal requirements concerning insurances and funding sources, before a public hearing could be authorized to begin the lease approval process. He advised that the purpose of introducing the matter was to determine whether the Committee had an interest in entertaining the request for a lease proposal before further actions were taken to pursue the unknown details previously described. Mr. Tennyson noted that Mr. Hatin was in attendance to provide further information on the lease proposal, a copy of which was included in the agenda packet.

At Mr. Belden's direction, Mr. Hatin addressed the Committee, explaining that it was the intention of himself and Mr. Mowery to construct a large t-hangar that would provide lease space for a limited use FBO (Fixed Base Operator), specifically for a flight training center that would service both fixed wing and rotary wing aircraft through North County Heliflite, as well as construction and sales space for the Light Sport Aircraft manufactured by Bushwhacker Aircraft Company, LLC, and office space for both entities. He said he felt this proposal presented an opportunity for both himself and Mr. Mowery to operate businesses from their home Airport, while providing a revenue opportunity for the County.

Mr. Champagne said that although he was not opposed to the lease proposal, he concurred with Mr. Tennyson's indication that there were a number of issues to be clarified before the Committee could confidently approve the request and authorize a public hearing. Mr. Merlino also agreed, noting that the drawing identifying the construction plans did not clearly reflect the placement of the proposed t-hangar, to which Mr. Hatin replied that the information did not include a scale drawing of the area or the proposed hangar and was included to simply provide a general idea of the area they wished to lease. Mr. Tennyson reiterated that the exact placement of the hangar was one of the details to be clarified through further review if the Committee was in agreement. In response to a question posed by Mr. Belden, Mr. Tennyson advised the current Airport FBO, Rich Air, had several concerns respective to the lease proposal, many of which were consistent with the issues pointed out by himself and Mr. DeGraw.

Following further discussion on the matter, it was the consensus of the Committee that Mr. Tennyson and Mr. DeGraw should proceed with their review of the lease proposal to clarify all of the issues cited and return to the Committee at a future meeting with more definitive information for further consideration.

Resuming the agenda review with the Items of Interest section, Mr. Tennyson announced that tree clearing work on the VMJR Companies property located adjacent to the Airport was underway. He explained that clear cutting on approximately eight acres of the parcel was necessary to remove air space penetrations and the work was now about 60% complete. Mr. Tennyson said it had been very important to complete the tree removal work while the ground was frozen to avoid any land disturbance issues prohibited in the permit issued by the Town of Queensbury.

Mr. Tennyson concluded the agenda review by addressing the Referrals from prior Committee meetings, which he outlined as follows:

1. Meetings had been scheduled for the following week with Victor Macri, owner of the Forest Enterprises parcel, concerning a prospective swap of properties to allow commercial construction, as well as the proposed Runway Extension Project, Mr. Tennyson stated;
2. Mr. Tennyson apprised an internal meeting regarding the Balloon Festival event had been held during which the decision had been made to pursue a plan to collect parking fees from attendees. He said they were considering the best procedure to make collections, whether that be through on-site collections or advance ticket sales; and
3. Referring to the introduction of a new access road to the Airport property and the need for right-of-way (ROW) access across private property, Mr. Tennyson noted that Mr. DeGraw had not received a response to the written inquiry initially forwarded to the property owner and had subsequently sent a certified letter on the matter. He added that further information would be provided as it became available.

In relation to the previous two pending items discussed, Mr. Loeb opined that it was not appropriate to introduce paid parking during the upcoming Adirondack Balloon Festival in light of the poor access to the Airport property during the event, which typically caused lengthy delays. In an effort to rectify the situation, he suggested constructing the new access road prior to the 2011 Festival using some of the newly discovered occupancy tax reserve funding identified at the previous Board meeting. Mr. Loeb explained the use of occupancy tax funding to construct the road was justifiable as the Adirondack Balloon Festival was one of the largest tourism events held in Warren County and improved access would only increase participant levels. The introduction of a third access point to the property would also allow for signage to be placed directing visitors to the different routes offering paid and free parking, thereby splitting the traffic flow and reducing congestion.

Mr. Belden questioned whether the new access road could realistically be fit into the construction schedule for completion before the 2011 Balloon Festival event and Mr. Tennyson replied that although the actual construction could be done, there were several factors that needed to be determined before the work could begin, such as the determination of funding for the project, which was estimated to cost upwards of \$100,000, and confirmation that acquisition of the necessary ROW access across private property was possible. In addition, Mr. Tennyson noted that the access road would need to cross wetland areas for which they would need to seek out proper NYSDEC (New York State Department of Environmental Conservation) permitting. In light of these factors, Mr. Tennyson concluded that he did not feel the project could realistically be completed before the 2011 Balloon Festival event. Mr. Champagne said he agreed with Mr. Tennyson's assessment and noted that while he understood the feeling that better customer service should be provided in connection with the institution of parking fees, he felt it was better to begin collecting them with the current years event in order to build a fund balance to cover overtime costs and partially fund the road construction in the hopes of completing it for future events.

Speaking as Budget Officer, Mr. Geraghty cautioned that this Committee, nor any other, should view the monies in the Occupancy Tax Reserve Fund to be a windfall that could be expended without extensive consideration. He said they should refrain from accessing the funds until a better understanding was reached relative to the purpose of the Fund and the negative impact that rising gas prices might have on the area during the upcoming summer tourist season.

Following a brief discussion, Mr. Belden suggested that the Airport portion of the June meeting be held at the Airport to allow for a tour of the area identified for the new access road and the Committee was in agreement.

There being no further Airport business to discuss, privilege of the floor was extended to Paul Butler, Director of Parks, Recreation & Railroad, who distributed copies of his meeting agenda to the Committee members. *A copy of*

the agenda is also on file with the minutes.

Commencing with the agenda review, Mr. Butler announced that pages 1 and 2 consisted of requests to amend the 2011 Up Yonda Budget, the first to increase estimated revenues and appropriations in the amount of \$10,620.14 to reflect a carry-over from the 2010 Up Yonda Budget, and the second to decrease expense and revenue codes in the amount of \$7,142 to accurately reflect projected revenues and expenses. He noted that the net effect to the 2011 Up Yonda Budget would be an increase of \$3,478.14.

Motion was made by Mr. McCoy, seconded by Mr. Champagne and carried unanimously to approve both requests to amend the 2011 Budget as previously noted and refer same to the Finance Committee. *Copies of the requests are on file with the minutes.*

Mr. Tennyson apprised that page 3 of the agenda reflected a request for a new inter-Municipal agreement with the Town of Johnsbury concerning use of a pavilion located on County-owned property situated adjacent to the Kellogg Property. He noted that the formal transfer of the Kellogg Property to the Town of Johnsbury by the Outdoor Space Institute had been completed and there were now some questions as to the future use of the pavilion area that had traditionally been made available for events taking place on the Kellogg Property. Mr. Tennyson advised that the request for an inter-Municipal agreement had originated from conversations between Mr. Butler and Mr. Goodspeed, Town of Johnsbury Supervisor, respective to the matter. He said their initial concerns with the agreement had related to how the new Railroad Operator would be affected; however, he added, in discussing the matter with Paul Dusek, County Attorney/Administrator, they had been advised that it was sensible to proceed with the inter-Municipal agreement, which should not cause any future issues as long as it was disclosed to the Railroad Operator. Mr. Tennyson explained the agreement would allow the Town of Johnsbury to administer use of the pavilion in connection with events held at the Kellogg Property, dependent upon compliance with the insurance and event guidelines specified by the County Attorney's Office. He further explained that although there would continue to be some coordination between the Town and County, this procedure would allow event organizers to schedule use of both areas with one Municipality, rather than having to contract separately with each.

Mr. Champagne questioned the current uses of the pavilion and property, to which Mr. Butler replied that it was open to the public for picnics and such, with larger gatherings requiring permitted use; Mr. Tennyson interjected his opinion that the Town of Johnsbury would not impede the traditional uses of the property. Mr. Monroe suggested that the inter-Municipal agreement include a clause allowing for all authorizations to be rescinded in the event that the County determined an alternate use for the property. Mr. Tennyson responded there was no immediate need for the agreement and noted that further discussions with the County Attorney's Office were necessary to develop a document listing all necessary insurance and terms of use requirements; he added that the request was being presented to determine whether the Committee was in favor of the concept.

It was the consensus of the Committee that Messrs. Tennyson and Butler should continue to work with the County Attorney's Office and the Town of Johnsbury to develop the inter-Municipal agreement then return to the Committee for further consideration.

Resuming the agenda review, Mr. Tennyson advised the next item for discussion pertained to the Trout Lake canoe access point. He reminded the Committee that this issue had been raised pursuant to public requests for the County to remove obstructions impeding access to Trout Lake. Mr. Tennyson noted that all available documentation on the matter had been forwarded to Patricia Nenninger, Second Assistant County Attorney, for her review and he asked that she provide the Committee with an update on the issue.

Mrs. Nenninger explained that subsequent to a request received during the prior year she had begun researching this matter to determine whether the County had any rights or obligations to remove impediments to the Trout Lake canoe access point and had subsequently determined that there were not. She said she had also contacted NYSDEC respective to the situation and found that although they were responsible for stocking the waterway, they did so by air because they had no land access rights. Mrs. Nenninger stated that the issue was of concern to many elderly and handicapped users because the impediments made the access impossible to reach unless a person was able to carry their canoe over their head to reach the water's edge. She noted that an old DPW archive file on the Trout Lake access point had recently been discovered and she intended to review it in search of any new information, in which case she would reintroduce the matter at the next Committee meeting.

Mr. Butler said the next agenda item consisted of an update on the Stony Creek Platform and he advised that although the materials bid had been released and another prepared for release to seek out directional boring services to place electrical facilities under the tracks to meet the platform, the contracts could not be awarded until written approval of the grant extension was received from the New York State Department of State (NYSDOS). He advised he and his staff held daily communications with members of the Planning & Community Development Department's staff respective to the grant extension which had been requested in October. Mr. Butler added that despite frequent assurances that the desired documentation was forthcoming, they had yet to receive it.

Mr. Belden asked if the Platform would be built using only grant funding and Mr. Butler replied affirmatively noting there was currently about \$29,000 in grant funding remaining following expenditures for survey, easement and advertising costs. Mr. Tennyson interjected that they planned to fund the Platform construction solely with grant funding, but there might be a minimal expense to the County depending upon bids received for the directional boring procedures not included in the initial concept plans. He added that they would have more information on the total costs when the bids were received. Mr. Belden questioned whether the directional boring services could be provided on an in-house basis by County staff and Mr. Tennyson replied in the negative, noting that a contract for outside services would be necessary. Mr. Butler advised the key point to remember was that although the necessary bid documents had already been released, or would be in the near future, they would not proceed with any construction until written confirmation of the grant extension was received from NYSDOS and Committee consent was given.

Moving on, Mr. Butler distributed pictures of damage to the Route 8 pedestrian crossing gate located near the Riparius Station, copies of which are on file with the minutes. He explained the damage, estimated at approximately \$4,000, had been incurred in connection with an automobile accident during a recent winter storm. Mr. Tennyson added that although they anticipated the automobile owner's insurance would cover the costs of the damages, it might be necessary for the County to fund the repairs then wait for insurance reimbursement depending upon safety assessments on the lack of a crossing gate and the time frame indicated for insurance reimbursement.

The Items of Interest section of the agenda was the next to be addressed and was outlined as follows:

1. Glens Falls National Bank Trust meeting - Mr. Tennyson said they had met with representatives of Glens Falls National Bank in charge of handling the Up Yonda Farm Trust, during which they had been advised of an anticipated shortfall in Trust return of approximately \$20,000. He noted that the matter would be discussed further during budget negotiation meetings to determine how the funding reduction would be addressed. Mr. Belden suggested that the matter be discussed sooner so as not to cause a shortfall for the facility and Mr. Tennyson clarified funding for the 2011 Budget was secure and the reduction was anticipated for the 2012 program year. Mr. Tennyson said that if the Town of Bolton was able to continue to make the contributions to Up Yonda as provided in prior years they

would be fine, although removal of these funds would further exacerbate prospective budget issues. He advised they would meet with Bolton officials to discuss the matter and determine whether funding could be anticipated. Mr. Belden interjected his opinion that they should not rely upon the Town of Bolton to solve deficit problems in the Up Yonda Budget and if they desired to maintain the current programming levels, the County may have to provide some funding for 2012. Mr. Merlino noted that the Up Yonda Trust seemed to be losing money consistently and he questioned whether it was possible to move the Trust to another bank with better investment opportunities, to which Mr. Belden replied in the negative, explaining that verbiage in the agreement donating the property to the County indicated that the Trust must remain with Glens Falls National Bank. Mr. Tennyson apprised that the Trust had actually gained capital over the past two years; however, he said, because a three-year calculating period was used to determine the annual Trust contribution to the Up Yonda Facility, the amount continued to show a decrease based on one year when the return on the Trust was negative. He said the representatives of Glens Falls National Bank anticipated better figures for the next year when the one bad year was no longer being factored to determine the contribution amount. *(Note: subsequent to the meeting it was determined that the actual estimated decrease in the Up Yonda Trust contribution for 2012 would be \$7,500, rather than the \$20,000 previously indicated).*

2. Up Yonda Farm Maple Festival - Mr. Butler pointed out that the agenda included a flyer advertising the Maple Festival, scheduled to be held at the Up Yonda Farm on March 6th from 9:00 a.m. to 2:00 p.m. He said there would be a pancake breakfast, as well as maple presentations, sugarhouse tours, tree tapping demonstrations and maple product sampling during the event.
3. Article on Snowmobile Trails from *The Chronicle* - A copy of an article from *The Chronicle* highlighting the Warren County snowmobile trails and their connection to the Washington County trail system was included in the agenda packet, Mr. Butler advised; *a copy of the article is also on file with the minutes.* He said the article provided a glowing review of the trail system and the increased patronage garnered by businesses located along its route.

Chairman Stec questioned whether the State had approved a request for signage at the Ridge Road snowmobile crossing and Mr. Butler replied affirmatively. Mr. Tennyson said he had briefly reviewed the approval letter and noted that although the County's procedure was to place signs at all snowmobile crossings, the State's procedure was to erect them only in areas with insufficient sight distance. Mr. Champagne apprised he had recently ridden the trails and noted there was an obvious sight distance issue requiring signage at the Ridge Road and State Route 149 crossings. Mr. Tennyson said in his recent travels over Route 149 he had noticed a backup of snowmobile traffic waiting to cross the highway during the weekend when the highway was busy with automobile traffic.

Concluding the agenda review, the Referral items were addressed as follows:

1. Respective to a request from the Kings School to obtain a trade of ROW access across the railroad to reach their athletic fields, Mr. Tennyson noted that at the prior Committee meeting representatives of the Kings School had been asked to provide further information detailing their perceived ROW access to the County Attorney's Office for review. He said that because the information had yet to be received, he had no update to provide on the matter; and
2. Mr. Tennyson reminded the Committee that the Trout Lake canoe access issue had been discussed earlier in the meeting.

Mr. Bentley questioned whether there was any new information to present relative to the Railroad Operator Contract, to which Mr. Tennyson replied that negotiations were ongoing but were currently stalled as both Mr. Dusek and Ed Ellis, of Iowa Pacific Holdings, LLC, were on vacation. Mr. Belden inquired if the railroad would be

in operation for the upcoming summer season and Mr. Tennyson responded by reiterating Mr. Dusek's comment from the prior Committee meeting that although he was hopeful the contract would be in place in time to allow for railroad operation during the summer, he could not assert that it would be done.

Mr. Merlino left the meeting at 10:29 a.m.

As there was no further Parks, Recreation & Railroad business to address, Mr. Belden announced they would begin the DPW portion of the meeting. Mr. Tennyson distributed copies of the DPW agenda to the Committee members, a copy of which is also on file with the minutes.

Mr. Tennyson directed the Committee members to agenda page 1 which included a request to establish Capital Project No. H318.9550 280, 2011 Bridge Rehabilitation Projects, in the amount of \$207,000. He noted that although the initial budget request had been for \$250,000 to cover the various rehabilitation projects identified, the amount had subsequently been reduced to \$207,000 to cover only those projects deemed necessary for 2011, with the rest being deferred until another year to lessen the budget impact. Mr. Tennyson then noted that agenda page 2 consisted of a request to authorize a bond in the amount of \$207,000 to fund the 2011 Rehabilitation Projects, which listed the bridges to be addressed.

Motion was made by Mr. Monroe, seconded by Mr. Bentley and carried unanimously to approve both the request to establish the Capital Project and to approve the \$207,000 bond request as outlined above and refer same to the Finance Committee. *Copies of both requests are on file with the minutes.*

Continuing to the next agenda item, Mr. Tennyson reminded the Committee that during their previous meeting a resolution had been approved to authorize a \$5.5 million bond to fund the Local Share of projects planned for construction in 2011. He noted that the resolution had not been presented at the February 18th Board meeting as the County Attorney's Office had determined that certain SEQRA (State Environmental Quality Review Act) determinations were necessary before it could be approved. Mr. Tennyson said he would be meeting with Mr. Dusek to address those issues and intended to re-present the request at the March 9th Finance Committee meeting.

Agenda page 3 included a chart identifying overtime use for all DPW divisions for the years 2005 through 2011, Mr. Tennyson said. He pointed out the area shown in bold type represented the current overtime use through February 28, 2011 and noted that regardless of the heavier than normal snowfall amounts, the overtime figures remained lower than many prior years. Mr. Belden questioned whether the ability to minimize overtime use was partially attributed to one-man plowing procedures and Mr. Tennyson replied affirmatively, adding that the efficiency of the Highway Division was also a factor. Mr. Tennyson said he was pleased with the overtime figures reported, but cautioned that the remaining winter months of the 2010-2011 season, as well as the 2011-2012 season, were yet to be accounted for. He noted his concern that the fuel budget could be over-expended for 2011 due to inflating gasoline prices and advised there was funding available within the DPW reserve fund that could be used to cover a deficit, if necessary. In response to Mr. Belden's inquiry regarding the status of the portion of the Budget covering salt purchases, Mr. Tennyson advised that approximately 1/3 of the total had been expended thus far in 2011.

Mr. Tennyson announced that agenda page 4 reflected a request to proceed with a proposed amendment to Article 14 Section 1 of the Constitution of the State of New York to acquire rights to State Forest Preserve lands in the Town of Chester and Horicon for construction of the relocated Middleton Bridge. He reminded the Committee that in meetings held during the prior year they had discussed the three options available for the Bridge Project, which included re-construction at the current Bridge location, demolition and non-replacement or relocation to an

area more conducive to local traffic. Mr. Tennyson said the Committee had subsequently determined the preferable option would be to relocate the Bridge; however, he noted, the property on either side of the Schroon River in the desired relocation area was owned by NYSDEC under fish and wildlife management provisions. He added that recent NYSDEC correspondence indicated the location should be treated as Forest Preserve property, meaning that a constitutional amendment would be necessary for the bridge relocation process to proceed. Mr. Tennyson further noted that following discussions with Mike Swan, Director of Real Property Tax Services, it had been determined that property taxes were not being paid on the property as they would be for a property with a Forest Preserve designation because the parcels were assessed as Parkland properties for which land taxes were not charged. Mr. Tennyson advised that Mrs. Nenninger had been researching this issue and he asked her to expound upon the matter.

Mrs. Nenninger apprised the property in question had been conveyed to the State in the 1970's under the Fish and Wildlife Management provisions of the Environmental Conservation Law. She stated that she had been in contact with the NYSDEC Counsel to discuss the issues of the Forest Preserve designation and the possibility of use of the NYSDOT (New York State Department of Transportation) land bank for this particular project and location. Mrs. Nenninger noted that she would continue efforts to review these issues with NYSDEC and further raise the possibility of negotiating terms relating to fish and wildlife management, including a proposal for handicap access to fishing as part of the proposed bridge relocation project. She further noted that the determination by NYSDEC of the Forest Preserve status of the property would raise the question of whether the proposed project represented a consistent use of the forest preserve, which was a measure applied in various Attorney General Opinions addressing related matters.

Following discussions between herself and Messrs. Dusek and Tennyson, Mrs. Nenninger said she would recommend that the Committee proceed in authorizing the pursuance of the necessary steps to seek the constitutional amendment identified in the resolution request as this would be a very time intensive process requiring approval of consecutive Legislatures, following which the issue would be placed on the ballot for public vote. In the meantime, she advised they would continue to pursue the other options available as previously described. Mr. Tennyson noted that if the resolution was approved and an alternate option became available, it could be rescinded. However, he noted, this would give them the opportunity to begin the process and forward the request to the State level as quickly as possible.

Mr. Monroe stated that while he agreed they should proceed in a timely manner to seek out the constitutional amendment, it was important to remember that the State was just beginning a two-year Legislative session and it would be three years before the issue would be placed on the ballot for the public vote. He pointed out another issue to consider was the fact that the State owned other properties in Warren County which they classified as Forest Preserve but were not paying property taxes for, such as Battlefield Park in Lake George and Scaroon Manor in the Town of Chester. Mr. Monroe advised that in many cases these were large properties that should garner significant property tax revenues but were not being charged due to designations placed thereon which were not necessarily consistent with the property use.

Relative to Mr. Monroe's notation on the three year wait for the Legislative process, Mr. Tennyson noted that the grant funding associated with the Middleton Bridge Project had been extended to 2015; therefore, he said, regardless of the process undertaken, construction would not begin until 2015 when the grant funding became available.

Mr. McCoy questioned whether it was appropriate to seek out constitutional amendments for both the property associated with the Middleton Bridge relocation, as well as the Battlefield Park and Scaroon Manor properties in

the same resolution and Mr. Monroe replied in the negative, advising that it might cause some issues in the voting process because an individual might be in favor of one item, but not the other. Additionally, Mr. Monroe noted that the two issues were not necessarily the same and he suggested that the request for the action requested in connection with the Middleton Bridge Project be approved at the current meeting and a referral to the Legislative & Rules Committee be approved to address the issues with a lack of property tax payments for areas classified as Forest Preserve lands.

Subsequent to further discussion on the matter, motion was made by Mr. Bentley, seconded by Mr. Monroe and carried unanimously to approve the request to seek out a constitutional amendment in connection with the Middleton Bridge Project as previously noted and the necessary resolution was authorized for the March 18th Board meeting. *A copy of the request is on file with the minutes.*

Resuming the agenda review, Mr. Tennyson addressed the Items of Interest section as follows:

1. Proposed Village of Lake George fence on Westbrook Road - Mr. Tennyson said he had spoken with Robert Blais, Mayor of the Village of Lake George, who indicated that he intended to include the costs of the fence construction as part of the TEP (Transportation Enhancement Program) grant and did not anticipate the project would begin in 2011;
2. Award of Harrington Road Bridge Replacement Project - Agenda page 12 reflected a listing of the bids received for the Harrington Road Bridge Replacement Project, Mr. Tennyson noted. He said Arch Bridge Contracting Corp. was the apparent low bidder and they were awaiting for confirmation of bid review and approval by the Project Engineer and NYSDOT before the actual bid award would be made. Mr. Tennyson reminded the Committee that they had already provided authorization to proceed with the bid award at a prior meeting;
3. Opera House Demolition - Mr. Tennyson said following the partial collapse of the Opera House Building they were working to develop demolition plans for the remaining structure. He apprised that Dave Decker, Project Manager/Director of the Lake George Watershed Coalition, was working with the demolition contractor to confirm the presence, or lack thereof, of asbestos materials in the Opera House Building. He said they believed there was a section of floor tile containing asbestos that was not disturbed in the collapse and the remainder of the standing structure could be dropped on top of those materials and removed in the spring. Mr. Tennyson stated they were awaiting confirmation of this from the two asbestos contractors involved with the project before proceeding with this action. Their initial concerns, he said, were with facilitating the completion of the demolition for removal in the spring in order to ensure public safety; however, he added, due to the possible asbestos issues, he was more comfortable leaving the building as is until approvals on the intended course of action were received from the asbestos contractors. In the meantime, Mr. Tennyson advised the Building was fenced off by an iron gate, as well as construction fencing, which was routinely monitored to ensure that members of the public could not accidentally wander onto the site;
4. Draft DPW Personal Protective Equipment Manual - A draft copy of the DPW Protective Equipment Manual had been developed, Mr. Tennyson said, and was intended to list all of the activities handled within the Department and specifying the protective equipment that should be worn for each. He advised that when the final version of the Manual was available it could be shared with any of the Town Highway Departments interested in using it. Mr. Belden asked that Mr. Tennyson forward copies to all of the Towns when finalized and Mr. Tennyson replied that he would do so; and
5. Letter from District Attorney - Mr. Tennyson pointed out that agenda page 13 included a letter received from Kate Hogan, District Attorney, thanking him for his assistance in providing

information relative to road configurations, conditions and signage in connection with the prosecution of an individual involved in a vehicle accident that fatally wounded two pedestrians in June of 2010. He said that although the actual cause of the accident was fairly clear, Ms. Hogan had spent a considerable amount of time working with himself and other members of the Engineering Division to ensure the highway condition would not provide the defense with the ability to challenge the County's maintenance of the road in relation to the case. His involvement in this matter had provided a new level of awareness as to how Departmental activities could be scrutinized in cases such as this, Mr. Tennyson stated.

Mr. Tennyson concluded the agenda review by outlining the Referral Items as follows:

1. Mr. Tennyson advised he had no new information to report relative to a prior resolution authorizing the Village of Lake George to place and collect revenues from parking meters in the County-owned parking lot located on Beach Road;
2. The issue of the Westbrook Road fence proposed by the Village of Lake George was discussed earlier in the meeting; and
3. Respective to the request made by the Committee at the prior meeting for a chart reflecting position reductions/changes in staffing, as well as the savings to the County through the enhanced Engineering Division, Mr. Tennyson said he intended to present the information at the next meeting.

A discussion ensued relative to the Village of Lake George collecting parking revenues from the County-owned parking lot during which Mr. McCoy pointed out that because a significant amount of revenues were collected to fund the Village Budget, he felt it would be appropriate for the County to notify the Village in advance if they intended to take any type of actions that would affect these revenues for consideration during their Budget development process.

In response to Mr. Thomas' questioning regarding the proposed use of pervious pavement technology in connection with the Beach Road Project, Mr. Tennyson advised that he had yet to receive any response to the USEPA (United State Environmental Protection Agency) grant application submitted for specific funding for this initiative. He said that at this point, he was not convinced the use of pervious pavement was appropriate for the entire Beach Road Project because there were issues with ground water depth along some portions of the highway. Mr. Tennyson advised that the NYSDOT and FHA (Federal Highway Administration) Materials Bureaus were being consulted to determine whether the County would have some protections in place in the event that pervious pavement was applied and did not work out as it was considered an experimental feature at this point. He added that once this confirmation was received, they would have some backup for followup maintenance and repairs. Mr. Tennyson noted that NYSDOT was very interested in seeing the pervious pavement applied as this would serve as a pilot project for New York State as it had not been implemented in any other area within the State. He said there were some benefits to being the first to use these procedures and they were eager to implement the pervious pavement application, assuming it was determined suitable from an engineering standpoint. Mr. Tennyson reiterated there were portions of the Beach Road Project initially deemed inappropriate for pervious pavement application due to ground water depth.

Mr. Tennyson advised they did not anticipate receiving a response on the USEPA grant application until late March or early April and would continue to review the Project to determine the portions where pervious pavement could be applied in the meantime. He added that they believed there was sufficient funding available within the Beach Road Project to fund the pervious pavement costs, if they were determined applicable; therefore, he added, the USEPA grant funding would not be necessary to proceed. Mr. Tennyson advised they were currently working on a monitoring plan for the prospective experimental use project that would govern how any concerns would be

addressed in the future, as well as funding sources for any necessary repairs. He said another critical point was that typically when State or Federal grant monies were used in any specific construction project, they would not be able to seek out further funding for said project for at least ten years. In this case, Mr. Tennyson noted, there were concerns with several unknown factors associated with the experimental procedure, such as durability, maintenance and life span of the application in this region, and they did not want the same guidelines restricting additional funding to apply, leaving all associated expenses to be funded solely by the County. He advised that recent meetings with NYSDOT and FHA representatives had indicated both parties were eager to reach an arrangement suitable to all parties in order to forward with the pervious pavement application, but further details needed to be established respective to the matter. Mr. Tennyson stated that the final decisions on use of the pervious pavement procedure would be dependent upon Engineering review and advisements established within the following month.

Mr. Belden said he was concerned that the pervious pavement application would not be suitable for travel by large vehicles and equipment traveling on it, such as plow trucks and other hauling vehicles. Mr. Tennyson responded that similar paving procedures had been used on a larger highway located in the State of Maine which facilitated much more traffic than Beach Road in a commercial district. He said he had contacted Maine Highway officials to inquire the mixture and application used and found there were virtually no issues with that project. Mr. Champagne said he echoed Mr. Belden's concerns and inquired whether the final decisions on use of the pervious pavement would be determined by NYSDOT or at the County Engineering level, to which Mr. Tennyson replied that the decision would be made on an in-house basis, and although NYSDOT concurrence would ultimately be required, the County could decline its use if they did not feel comfortable in proceeding. Mr. Tennyson added that he too shared these concerns and intended to closely review the Project before making any final decisions in order to avoid future issues.

Discussion ensued respective to the matter.

There being no further business to come before the Committee, on motion made by Mr. Monroe and seconded by Mr. Bentley, Mr. Belden adjourned the meeting at 11:18 a.m.

Respectfully submitted,
Amanda Allen, Sr. Legislative Office Specialist